

Attorney Docket No.: 82058-0013

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

MAIL STOP PATENT APPLICATION

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

**TRANSMITTAL FOR A NEW CONTINUATION  
PATENT APPLICATION UNDER 37 C.F.R. §1.53(b)(2)**

This is a request for filing a **Continuation** patent application under 37 C.F.R. §1.53(b)(2) of:

Inventor(s): Mark FRYE, *et al.*

For: HIGH EFFICIENCY LIQUID OXYGEN SYSTEM

- ☐ In response to the Office Action dated \_\_\_\_\_, Applicant petitions for an extension of time, the fees for which are set out in 37 C.F.R. §1.17(a), for the total number of months checked below:

<u>Total Months Requested</u>	<u>Fee for Extension</u>
<input type="checkbox"/> one month	\$ 110.00
<input type="checkbox"/> two months	\$ 410.00
<input type="checkbox"/> three months	\$ 930.00
<input type="checkbox"/> four months	\$1,450.00

1. ☒ This is a new UTILITY patent application, which is a Continuation of U.S. Patent Application Serial No. 09/696,170, filed October 26, 2000 which claims priority under 35 U.S.C. 119(e) from U.S. Provisional Patent Application Serial No. 60/162,131, filed October 29, 1999.

2. **The papers enclosed to obtain a filing date are as follows:**

32 Pages of Application including:  
20 Pages of Disclosure;  
8 Pages of Claims (2 Independent - 20 Total Claims); and  
1 Page of Abstract  
3 Sheets of drawings containing 7 Figures (Figs 1-3)

3. **Combined Declaration and Power of Attorney**

- ☐ Enclosed and is newly executed by all inventors.  
☐ Enclosed in this continuation/divisional application and is a copy from a prior application (37 CFR § 1.63(d)).  
☒ **Not Enclosed.**  
This application is being filed under the provisions of 37 C.F.R. §1.53(f).  
Applicant awaits notification from the Patent and Trademark Office of the time set for filing the Declaration and paying the filing fees.

4. **Language - English**

5. **Assignment** - An assignment was filed in the parent application.

6. **Priority** - foreign applications under 35 U.S.C. §119(a)-(d) or §365(b) or PCT international applications under 35 U.S.C. §365(a) designating at least one country other than the U.S.

☐ Priority of the following foreign application(s) is claimed:

Country	Application No.	Filed

Certified copy: ☐ is attached. ☐ will follow.

7. **Priority based on provisional application under 35 U.S.C. §119(e)**

☒ Benefit of the following U.S. provisional application(s) is claimed:

Provisional Application No.	Filed
60/162,131	October 29, 1999

8. **Priority based on the provisions of 35 U.S.C. §120**

☒ Benefit of the following U.S. application is claimed:

Non-Provisional Application No.	Filed
09/696,170	October 26, 2000

9. **Preliminary Amendment**

- ☒ Amend the specification by inserting before the first line the sentence:  
"This application is a ☒ continuation, ☐ division of co-pending application  
number 09/696,170, filed October 26, 2000, which is hereby incorporated by  
reference"

10. **Small entity status**

- ☐ Small entity status under 37 C.F.R. §1.27 is claimed for this application.

11. **Fee Calculation (37 C.F.R. § 1.16)**

CLAIMS FOR FEE CALCULATION				
	Number Filed	Number Extra	at Rate of	Basic Fee Utility \$750.00
Total Claims (37 C.F.R. §1.16(c))	20 - 20 =	0	\$ 18.00 each=	+\$ 0
Independent Claims (37 C.F.R. §1.16(b))	2 - 3 =	0	\$ 84.00 each=	+ \$ 0
Multiple dependent claim(s), if any (37 C.F.R. §1.16(d))			\$ 280.00	+ 0.00
SUB-TOTAL =				+\$ 750.00
Reduction by 1/2 for filing by a small entity				-\$ 0
TOTAL FILING FEE =				\$ 750.00

12. ☐ Check No. \_\_\_\_\_ in the amount of \$ \_\_\_\_\_ is enclosed.

13. ☒ **Fee Payment Not Enclosed.**  
**NO FEE IS BEING PAID BY CHECK OR DEPOSIT ACCOUNT AT THIS TIME.**  
This application is being filed under the provisions of 37 C.F.R. §1.53(f).  
Applicant(s) await notification from the Patent and Trademark Office of the time  
set for filing the Declaration and paying the filing fees.

14. ☒ **Except** for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-1349. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. §1.136(a)(3).

15. Additional papers enclosed:

- ☐ Nonpublication Request pursuant to 37 CFR § 1.213
- ☐ Combined Power of Attorney by Assignee and Certificate under 37 CFR § 3.73(b)
- ☐ Change of Correspondence Address
- ☒ Preliminary Amendment
- ☐ Information Disclosure Statement
- ☐ Form PTO- 1449, documents as listed
- ☐ Declaration of Biological Deposit
- ☐ Submission of "Sequence Listing," computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence.

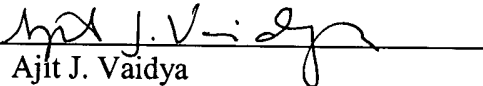
**Please accord this application an application number and filing date.**

Respectfully submitted,

**HOGAN & HARTSON LLP**

Dated: September 10, 2003

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